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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the Ewiiaapaayp Band of Kumeyaay Indians, National Congress of American Indians, Native American Rights Fund, non-governmental organizations in special consultative status, Indian Law Resource Centre, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Advancing Decisions of the World Conference on Indigenous Peoples*

The United Nations World Conference on Indigenous Peoples was a significant step to advance the rights of indigenous peoples and to attain the standards of the UN Declaration on the Rights of Indigenous Peoples. The Outcome Document of the World Conference contains many concrete commitments by states, but much work remains to honor those commitments and fulfil the promises of the UN Declaration. Three major points in the outcome document require some further action: development of a permanent implementing and monitoring body for the UN Declaration;[1] establishment of new rules to enable the participation in the UN of indigenous governing institutions;[2] and UN actions to combat violence against indigenous women.[3] Each of these decisions should be carried out with the full participation of indigenous peoples, their representatives and governments, as called for in the Outcome Document and the Secretary-General's report and recommendations.[4]

An Implementing Body. A strong and effective implementing and monitoring body with a broad mandate that promotes respect for indigenous rights and discourages violations is crucial for achieving the ends of the Declaration. The Expert Mechanism on the Rights of Indigenous Peoples is the body best suited to being restructured and repurposed with a new mandate that includes implementing and monitoring functions. The body should be empowered to invite and receive information from all sources; to conduct country visits; to issue studies, reports, and recommendations; and to offer general observations on recurring or systemic issues. The ability to consider information from relevant parties and to present reports with recommendations for actions by relevant actors, including the Human Rights Council, is an essential function of any serious implementing body. However, the mandate and work of the body must not jeopardize the existing mandates of the Special Rapporteur and the Permanent Forum, which each perform critical functions. The implementing body should enhance, not duplicate their work.

The composition and structure of the implementing and monitoring body should ensure a balance of indigenous and other experts, and both states and indigenous peoples' representatives should play a role in nominating and selecting members, having in mind the need to include experts from all regions of the world. The body will require a sufficient number of members and a sufficient number of meeting days to accommodate an expanded mandate. Existing human rights treaty bodies that do similar work consist of 10 to 25 experts who meet from four to nine weeks per year. The reformed body should include at least ten experts meeting in three annual two-week sessions. The body should be innovative and flexible and use cost-effective tools such as internet and teleconferencing technology when possible.

Participation of Indigenous Representative Institutions. Council Resolutions 18/8 and 27/13 recognize the need to find ways and means of promoting the participation of accredited indigenous peoples' representatives in the UN system. Systemic and institutional barriers to indigenous governing institutions' participation in the UN have been detailed in reports of the Secretary-General,[5] and it is essential that new rules are developed to provide them with permanent participation rights within the UN. Current ad hoc arrangements for participation are unpredictable and inadequate. Indigenous governing institutions must have a status that respects them as rights-holders, and they must be able to participate as governments, not civil-society or non-governmental organizations.

The recent Secretary-General's proposal for the President of the General Assembly to establish an open-ended consultation process with states and indigenous peoples to determine next steps concerning participation[6] and the

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[1] G.A. Res. 69/2, ¶¶ 28, 40, U.N. Doc. A/RES/69/2 (Sept. 25, 2014).
[2] *Id.* at ¶¶ 33, 40.
[3] *Id.* at ¶ 19.
[4] The Secretary-General, *Report of the Secretary-General on Progress made in the implementation of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, delivered to the Economic and Social Council and the General Assembly*, U.N. Doc A/70/84-E/2015/76 (May 18, 2015).
[5] *Id.* The Secretary-General, *Report of the Secretary-General on Ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them, delivered to the Human Rights Council*, A/HRC/21/24 (July 2, 2012).
[6] The Secretary-General, *Report of the Secretary-General on Progress made in the implementation of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, delivered to the Economic and Social Council and the General Assembly*, U.N. Doc A/70/84-E/2015/76 (May 18, 2015).

Permanent Forum's call for the General Assembly to establish a new procedure to guarantee the effective participation of indigenous governments in the UN[7] provide momentum to develop and establish these new rules. Toward that end, we recommend the creation of a stand-alone accreditation committee for indigenous governing institutions. Indigenous peoples must be heard directly in developing the accreditation standards. Accreditation standards and committee rules must be flexible and responsive to the regional realities and diverse characteristics of indigenous peoples' governing institutions.

Once accredited, indigenous governments should be able to participate in practically all UN meetings, to submit documents and proposals, make statements, and take part in UN activities on a permanent or ongoing basis. They should have priority over NGOs with regard to seating and order of speaking. Indigenous governing institutions are sovereign governments, and these new rules will enable them to make valuable contributions to the UN.

Action on Violence Against Indigenous Women. The UN Declaration affirms the rights and special needs of indigenous women and children. Article 22(1) urges states to pay particular attention to the rights and special needs of indigenous women, youth, and children in implementing all provisions of the UN Declaration. Article 22(2) directs states, in conjunction with indigenous peoples, to take measures to protect indigenous women and children against violence and discrimination.

In the World Conference Outcome Document states commit to further implementation of the UN Declaration by supporting the empowerment of indigenous women and intensifying their efforts to prevent and eliminate violence and discrimination against women by strengthening legal, policy, and institutional frameworks.[8] States also requested development of an implementing body for the UN Declaration and a System-wide Action Plan to realize the ends of the UN Declaration.[9] It is important that these actions be carried out with particular attention to the rights of indigenous women and children to ensure their full protection from all forms of violence and discrimination. Recently, the Special Rapporteur on violence against women recommended the development and adoption of a binding international instrument on violence against women and girls, "thereby providing for international scrutiny and accountability through a dedicated monitoring body."[10] The implementing body for the UN Declaration, with its special attention to the rights of indigenous women and children, could serve as an important complementary body with the necessary expertise to address violence against indigenous women and girls.

States also requested that the Human Rights Council consider examining the causes and consequences of violence against indigenous women and girls. To this end, we recommend that the Council:

1. *Decide* to organize and hold at its 32nd or 33rd session, a half-day panel discussion on violence against indigenous women and girls, in cooperation with indigenous peoples, to examine the causes and consequences of such violence and to intensify sustained efforts within the UN and among states to prevent and eliminate all forms of violence and discrimination against indigenous peoples, particularly indigenous women and children;

2. *Invite* the Secretary-General to issue a report with concrete recommendations for action on the issue of violence against indigenous women and girls, with a view toward enhancing the Council's special procedures mandates by requiring regular joint reports; and

3. *Urge* the Secretary-General to consider the rights and special needs of indigenous women and children in developing both the System-Wide Action Plan and the mandate and structure of the implementing and monitoring body for achieving the ends of the UN Declaration.

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[7] Permanent Forum on Indigenous Issues, *Report on the fourteenth session* (20 April-1 May 2015), E/2015/43-E/C.19/2015/10.
[8] G.A. Res. 69/2, ¶¶ 17, 18, U.N. Doc. A/RES/69/2 (Sept. 25, 2014).
[9] *Id.* at ¶¶ 28, 31, 40.
[10] Note by the Secretary-General, *Violence against women, its causes and consequences*, ¶¶ 66, 67, U.N. Doc. A/70/209 (July 29, 2015).

Violence against indigenous women and girls is a violation of human rights and a global outrage. We urge the Council to support these recommendations, to make them a matter of high priority in its program of work, and to help identify measures and accelerate actions targeted at eliminating all forms of violence and discrimination against indigenous women and children everywhere.

Taken together, these three broad but achievable measures are essential to the effective implementation of the Outcome Document, and are vital to the realization of the UN Declaration on the Rights of Indigenous Peoples.

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*Alaska Native Women's Resource Center; Alliance of Tribal Coalitions to End Violence; Emmonak Women's Shelter; Mashantucket Pequot Tribal Nation; National Indigenous Women's Resource Center; Native Alliance Against Violence; Native Village of Anvik; Washington State Native American Coalition Against Domestic Violence and Sexual Assault; and Yup'ik Women's Coalition. NGOs without consultative status, also share the views expressed in this statement.